

REMARKS

REMARKS RELATING TO THE SPECIFICATION

The first page of the specification has been amended in order to introduce cross references to related applications.

REMARKS RELATING TO THE CLAIMS

In a restriction requirement dated 19 July 2006, the Examiner required restriction under 35 U.S.C. § 121 and 35 U.S.C. § 372 between

Group I Identified by claims 85-158, and 179-184; and

Group II Identified by claims 159-178.

The restriction requirement is respectfully traversed. However, to be fully responsive, in response to the pending restriction, applicants provisionally elect to prosecute claims directed to the invention of Group I, comprising claims 249-248.

37 CFR §1.475 sets forth standards for Unity of invention during the national stage including the standard that a national stage application “shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept”. All claims in the present application are drawn to a group of inventions linked by a single general inventive concept such as using computerized electronic systems and methods to track and facilitate processing of biological samples. Thus, for at least this reason, Applicants respectfully traverse the restriction requirement and request that the requirement be withdrawn.

It is to be noted that, as discussed at the October 12, 2006 interview and in greater detail following, the new claims 249-298 presented herein, although all directed to the invention of Group I, are not identical to the previously presented claims (cancelled claims 85-158 and 179-184) identified, by the Examiner, with Group I in the Election/Restriction action mailed July 19, 2006. Regardless, Applicants believe that, in this response, they have fully met their Election obligations under 37 CFR 1.499, which only requires them to “elect the *invention* to which the claims shall be restricted” [emphasis added], not the specific wording of the various claims so restricted.

During the October 12, 2006 interview, the Examiner notified Applicants' representatives that the preliminary amendment received July 20, 2006 was nonresponsive to the Restriction requirement mailed on July 19, 2006 and, thus, claims 185-248, presented in that preliminary amendment, have not been entered. It is noted that claims 185-247, filed on July 20, 2006 but not yet entered, were copied to preserve Applicants' rights under 35 USC §135 (b)(2), from US Patent Application US 2005/0159982 to Showalter et al, published on July 21, 2005 (Application No. 11/032,324). Claim 248, also filed on July 20, 2006, was modelled after copied claim 215 in language that tracks that in the specification of the present application. Accordingly, as discussed at the October 12, 2006 interview, in addition to responding to the Election/Restriction requirement, Applicants also herein respectfully request that the filed but as-yet not-entered claims, 185-248, be officially entered by the Examiner in accordance with Applicants' rights under 35 USC §135 (b)(2). Applicant wishes to make clear that these claims 185-248 do not comprise elected claims and recognize that, after entry, the Examiner may elect to withdraw the claims 185-248, as discussed at the October 12, 2006 interview, as being directed to a non-elected invention.

At the interview Applicants' representatives described and illustrated how new claims 249 – 298, presented in this response and amendment, incorporate the limitations of Group I that were relevant to the restriction requirement, thereby constituting a proper Election response under 37 CFR 1.499. Applicants' representatives further illustrated how new claims 249-298, in fact, narrow the scope of the claims originally identified as belonging to Group I so as to include limitations focused on certain embodiments considered to be particularly timely in light of Applicants' products on the market. Therefore, as agreed at the interview, it is the understanding of the Applicants' representatives that the Amendment is responsive to the Restriction Requirement of the First Office Action. In presenting these new claims, Applicants do not waive their rights to, in the future, possibly present broader claims directed to the invention of Group I.

No new matter has been added by this amendment and support for new claims 249 – 298 can be found in the original claims and disclosures, including, but not by way of limitation, the supporting claims and disclosures documented below:

New independent claim 249 has support in claim 85 of US 2006/0085140 A1 as well as limitations having support in originally filed PCT claims 1, 8 and 9, and in paragraphs 0012, 0014, 0029 and 0125 of US 2006/0085140 A1.

New claim 250 has the same support as new claim 249 plus additional limitations having support in originally filed PCT claim 23.

New claim 251 has the same support as new claim 250 plus additional limitations having support in paragraphs 0098 and 0099 of US 2006/0085140 A1.

New independent claim 252 has support in claim 85 of US 2006/0085140 A1 as well as limitations having support in the originally filed PCT claims 1, 20 and 23, and in paragraph 0029 of US 2006/0085140 A1.

New claim 253 has the same support as new claim 252 plus additional limitations from originally filed PCT claim 21.

New claim 254 has the same support as new claim 253 plus additional limitations from originally filed PCT claim 22.

New claim 255 has the same support as new claim 250 plus additional limitations from originally filed PCT claim 29.

New claim 256 has the same support as new claim 255 plus additional limitations from originally filed PCT claims 30, 31, and 32.

New claim 257 has the same support as new claim 250 plus additional limitations from originally filed PCT claims 33, 34, 35, and 36.

New independent claim 258 has support in claim 85 of US 2006/0085140 A1 as well as limitations having support in originally filed PCT claims 111, and 113; and in paragraphs 0029, 0123, and 0127 of US 2006/0085140 A1.

New claim 259 has the same support as new claim 258 plus additional limitations from paragraph 0127 of US 2006/0085140 A1.

New claim 260 has the same support as new claim 258 plus additional limitations from paragraphs 007, 0120, 0123, and 0127 of US 2006/0085140 A1.

New independent claim 261 has support in claims 85 and 91 of US 2006/0085140 A1 as well as limitations having support in paragraph 0029 of US 2006/0085140 A1.

New independent claim 262 has support in claim 85 of US 2006/0085140 A1 as well as limitations having support in paragraphs 0112 and 0029 of US 2006/0085140 A1.

New independent claim 263 has support in claim 85 of US 2006/0085140 A1 as well as limitations having support in paragraph 0029 of US 2006/0085140 A1.

New claim 264 has the same support as new claim 263 plus additional limitations from claim 116 of US 2006/0085140 A1.

New claim 265 has the same support as new claim 264 plus additional limitations from claim 117 of US 2006/0085140 A1.

New claim 266 has the same support as new claim 265 plus additional limitations from claim 118 of US 2006/0085140 A1.

New claim 267 has the same support as new claim 266 plus additional limitations from claim 119 of US 2006/0085140 A1.

New claim 268 has the same support as new claim 263 plus additional limitations from claim 92 of US 2006/0085140 A1.

New claim 269 has the same support as new claim 263 plus additional limitations from claims 105, 106, 107, 108, and 109 of US 2006/0085140 A1.

New claim 270 has the same support as new claim 263 plus additional limitations from claim 112 of US 2006/0085140 A1.

New claim 271 has the same support as new claim 270 plus additional limitations from claims 113, 114, and 115 of US 2006/0085140 A1.

New claim 272 has the same support as new claim 271 plus additional limitations claim 121 of US 2006/0085140 A1.

New claim 273 has the same support as new claim 272 plus additional limitations from claim 88 of US 2006/0085140 A1.

New independent claim 274 has support in claim 122 of US 2006/0085140A1 as well as limitations having support in the originally filed PCT claims 43, 44 and 50, and in paragraphs 0012, 0014, and 0125 of US 2006/0085140 A1.

New claim 275 has the same support as new claim 274 plus additional limitations having support in originally filed PCT claims 43 and 50, and in paragraphs 0099, 0101 and 0121 of US 2006/0085140 A1.

New claim 276 has the same support as new claim 275 plus additional limitations having support in paragraphs 0098 and 0099 of US 2006/0085140 A1.

New independent claim 277 has support in claim 122 of US 2006/0085140A1 as well as limitations having support in the originally filed PCT claims 43, 44 and 62, and in paragraphs 0101 and 0121 of US 2006/0085140 A1.

New claim 278 has the same support as new claim 277 plus additional limitations having support in originally filed PCT claim 63.

New claim 279 has the same support as new claim 278 plus additional limitations having support in originally filed PCT claim 64.

New claim 280 has the same support as new claim 275 plus additional limitations having support in originally filed PCT claim 71.

New claim 281 has the same support as new claim 280 plus additional limitations having support in originally filed PCT claims 72, 73, and 74.

New claim 282 has the same support as new claim 275 plus additional limitations having support in originally filed PCT claims 75, 76, 77, and 78.

New independent claim 283 has support in claim 122 of US 2006/0085140A1 as well as limitations having support in claims 123, 149, and 150 of US 2006/0085140A1 and in paragraphs 0123, and 0127 of US 2006/0085140 A1.

New claim 284 has the same support as new claim 283 plus additional limitations having support in paragraph 0127 of US 2006/0085140 A1.

New claim 285 has the same support as new claim 283 plus additional limitations having support in paragraphs 007, 0120, 0123, and 0127 of US 2006/0085140 A1.

New independent claim 286 has support in claim 122 of US 2006/0085140A1 as well as limitations having support in claims 123 and 128 of US 2006/0085140 A1.

New independent claim 287 has support in claim 122 of US 2006/0085140A1 as well as limitations having support in claim 123 and in paragraph 0112 of US 2006/0085140 A1.

New independent claim 288 has support in claim 122 of US 2006/0085140A1 as well as limitations having support in claim 123 of US 2006/0085140 A1.

New claim 289 has the same support as new claim 288 plus additional limitations having support in claim 153 of US 2006/0085140 A1.

New claim 290 has the same support as new claim 289 plus additional limitations having support in claim 154 of US 2006/0085140 A1.

New claim 291 has the same support as new claim 290 plus additional limitations having support in claim 155 of US 2006/0085140 A1.

New claim 292 has the same support as new claim 290 plus additional limitations having support in claim 156 of US 2006/0085140 A1.

New claim 293 has the same support as new claim 288 plus additional limitations having support in claim 129 of US 2006/0085140 A1.

New claim 294 has the same support as new claim 288 plus additional limitations having support in claims 142, 143, 144, 145, and 146 of US 2006/0085140 A1.

New claim 295 has the same support as new claim 288 plus additional limitations having support in claim 149 of US 2006/0085140 A1.

New claim 296 has the same support as new claim 295 plus additional limitations having support in claims 150, 151, and 152 of US 2006/0085140 A1.

New claim 297 has the same support as new claim 296 plus additional limitations having support in claim 158 of US 2006/0085140 A1.

New claim 298 has the same support as new claim 297 plus additional limitations having support in claim 125 of US 2006/0085140 A1.

A Petition for Extension of Time under 37 CFR 1.17(a)(2) and the appropriate form for payment by credit card are enclosed.

No additional claims fees are presently due (i.e., a \$1500 claims credit remains) as detailed in the calculations in the Claims Fee Calculation Table on the following page.

CLAIMS FEE CALCULATION TABLE

					OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	Rate (\$)	ADDI- TIONAL FEE (\$)
Total	114	Minus	164	(50)	x 50	(2500)
Independent	18	Minus	13	5	x 200	1000
Application Size Fee					N/A	(1500)
First Presentation of Multiple Dependent Claim					N/A	0
					TOTAL ADDI- TIONAL FEES	\$ 0

If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, he is invited to call the undersigned at 970-204-7002.

Respectfully submitted,

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Dated: November 7, 2006